The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CORNELIS W.A.M. VAN OVERVELD
and
MAURICE J.M. CUIJPERS

Appeal No. 2002-1923
Application No. 09/067,910

ON BRIEF

Before THOMAS, HAIRSTON, and SAADAT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

REMAND TO THE EXAMINER

Our review of the record leads us to conclude that this case is not in condition for a decision on appeal.

According to the examiner (answer, pages 3 though 5) claims 1, 2 and 8 stand rejected under 35 U.S.C. § 102(a) as being anticipated by the Chen publication or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Chen, claims

4 through 7 and 9 through 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen and claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of the Debevec[1] publication. In the establishment of the rejection of claims 1, 2 and 8, the examiner referred to a total of twenty-four (24) lines in the Chen publication for a showing that Chen teaches or would have suggested all of the limitations of these claims. A review of the alleged teachings does not reveal that which is outlined in the rejection. In the alternative obviousness rejection of claims 1 and 8, the examiner merely concludes (answer, page 3) that these claims would have been obvious "since CHEN teaches the computational advantages of his method over other rendering methods for generating new simulated views."

We hereby remand the application to the examiner for further explanation as to where in the Chen publication each of the limitations in the claims, particularly claims 1, 2 and 8, may be found to justify an anticipation rejection. The mere paraphrasing or quoting of the limitations of claim 1 is of

[1]In the background of the invention (specification, page 1), appellants acknowledge that the first six (6) steps of claim 1 on appeal are taught by Debevec.

little or no help in our quest to find comparable teachings in the publication. With respect to the obviousness rejections, the examiner is required to point to the specific location(s) in the publication(s) that served as the motivation for the obviousness rejections. During the remand, the disclosed and claimed invention should be reviewed for 35 U.S.C. § 112 issues since the specification and drawing are not a model of clarity and specificity.

This application, by virtue of its "special" status requires immediate action. See Manual of Patent Examining Procedure (MPEP) §§ 708.01 and 1211 (8th Ed., Rev. 1, Feb. 2003). It is important that the Board be informed promptly of any action affecting the appeal in this application.

REMANDED

JAMES D. THOMAS
Administrative Patent Judge)

KENNETH W. HAIRSTON
Administrative Patent Judge) BOARD OF PATENT APPEALS AND INTERFERENCES

MAHSHID D. SAADAT
Administrative Patent Judge)

KWH/hh

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